

ENVIRONMENTAL PROTECTION COMMISSION
SPECIAL MEETING MINUTES

May 11, 2016

8:00 P.M.

Room 206, Town Hall

Commission Members Present: Eric Joosten, Ed Sweeney, Susan Mackenzie, Jim Millard,
Gunnar Edelstein, and Keith Kearney

Staff: Ginsberg

Reporter: Syat

Channel 79 recorded

Chairman Joosten called the meeting to order at 8:00 p.m., and read the first agenda item:

Public Hearing:

EPC-13-2016, Wesley & Kristine Depp, 11 Holly Lane, proposing house replacement and related construction within an upland review area. The site is shown on Assessor's Map #9 as Lot #146.

Professional Engineer John Martucci was present on behalf of the Applicant. He explained that the site is entirely in the Stony Brook flood plain. There is now an unnamed watercourse with associated wetlands on the property. He noted that the 2014 Letter of Map Revision shows a flood plain in this vicinity of Elevation 98.0. The subject proposal is to tear down the existing residence and construct a new single family residence 10 feet further from the wetlands. This new residence and construction will include about 800-900 new square feet of additional impervious surface on the property over what is there currently. A new boulder wall will be constructed near the wetlands to support the proposed fill. The boulder wall will be 2 ½ feet high at its highest point. The house will have a proposed crawl space four feet high and they are proposing sump pumps. Mr. Martucci said that there are now existing sump pumps.

Mr. Martucci explained that relative to water quality, a rain garden will be installed to the north side of the house. The lawn and yard now goes right up to the brook and they propose plantings adjacent to the brook. Mr. Martucci said that Professional Engineer Joe Canas has peer reviewed the plans. Mr. Martucci said that the house is near the bottom of the watershed and there is nowhere to put water on the site since it is in the Flood Zone.

Ms. Kate Throckmorton of ELS, LLC then reviewed her "Mitigation Planting Plan" dated March 18, 2016. She mentioned that the lawn now runs right up to the brook and showed photographs of the subject property. She said that the rain garden will be over-seeded and that the driveway will run off into the rain garden. Ms. Throckmorton mentioned that there will be more than 2,750 square feet of restored wetlands and they will help stabilize the bank. Mr. Joosten questioned whether the proposed stone wall will trap the water. Mr. Martucci then explained the drainage patterns on the property. He then submitted a copy of the letter of support from the neighbor at 8 Holly Lane. Mr. Joosten asked if there would be any water impacts to the neighbors. Mr. Martucci responded that there would not be. Mr. Joosten asked whether the rain garden would affect the water in light of the property's location within the watershed. Mr. Martucci said that the rain garden has been designed for water quality, especially in small storms. Mr. Sweeney then asked whether the patio could be made more pervious, in order to reduce the amount of impervious surface proposed.

Mr. Joe Canas, Professional Engineer from Tighe & Bond, explained that he had been retained by the Town to peer review the application. He said that he had issued a May 1, 2016 letter with three categories of comments. Relative to stormwater, Mr. Canas explained that this property is in the lower reaches of the watershed. Regarding water quality, Mr. Canas said that the rain garden will capture the runoff and a drainage maintenance plan is needed. Relative to floodplain issues, Mr. Canas said that he had asked Mr. Martucci to perform additional calculations. The property will still be subject to flooding. Mr. Canas explained that the NFIP allows fill to be placed in the floodplain fringe. It was noted that the subject application will also need Planning & Zoning Commission (PZC) approval. Mr. Ginsberg explained that they would need to go to the PZC both for Flood Damage Prevention application for work in the Flood Zone, as well as Land Filling & Regrading application for the proposed fill to be placed more than 25 feet away from the house. Mr. Canas explained that the applicant has responded to his comments in their May 10, 2016 letter and that they are "headed in the right direction."

Mr. Joosten then opened the hearing up to members of the general public. Mr. Cecil Wade of 315 Middlesex Road said that he had a number of questions for the EPC. He said that the proposed wall seems to divert water and asked that that be reviewed. He also had concern about the proposed rain garden and potential mosquitos. He said that his biggest concern was the increase in impervious surface. Mr. Dan Anderson of 19 Holly Lane said that they have experienced flooding in the area and that they rebuilt their house in recent years. He supported the project. Mr. Martucci explained why the project won't have any water impacts on the neighbors. He emphasized that the rain garden is only six inches deep with a drainage course underneath which will help minimize any standing water.

Mr. Wesley Depp of 11 Holly Lane, the subject property owner, explained that he has lived at the property for 13 years. He described the property and the changes that have occurred through the years. Mr. Wade said that he was happy the rain garden is only six inches deep and was pleased to see the wetlands plantings proposed for near the brook.

There being no further questions or comments from the public or EPC members, Mr. Sweeney made a motion to close the public hearing on this matter. That motion was seconded by Mrs. Mackenzie and unanimously approved.

At about 8:45 p.m., Chairman Joosten then read the next agenda item:

EPC-14-2016, Long Island Brothers, LLC, 23 Lynn Court, proposing replacement house and related construction within an upland review area, and stream bank reconstruction within a watercourse. The site is shown on Assessor's Map #31 as Lot #23.

Mr. Mark Lebow of William Seymour & Associates was present on behalf of the Applicant. He said that the proposal is to tear down the existing residence and rebuild a new residence. He believed that the application would have no adverse impacts to wetlands or the existing Noroton River watercourse. It will be a vast improvement to the existing conditions. He then reviewed the May 3, 2016 comments from Joe Canas of Tighe & Bond and reviewed them one by one. He emphasized that this property will have a net cut with the grades being lowered. He said that they can certainly provide a safety fence atop the proposed gabion wall. They can include sound attenuation for the proposed air conditioning units which will need to be placed on a platform.

Relative to comment 8a, he said that they can add an inspection port. He added that they can include a maintenance plan for the drainage.

Mr. Lebow showed Map #1838 from the Darien Land Records and said that this is Lot 10 on that map and over many years, the Noroton River has changed its course and eroded this property. He said that even since 2006/2007, the bank has eroded and stabilization of the bank is an important element of this application. He noted that due to the untimely death of Mr. McCoy, the engineer originally hired, a new engineering Holt McChord has been brought on board.

Mr. Joosten asked about the wall which now exists along the south property line between 21 and 23 Lynn Court. Mr. Millard asked that the applicant explain the proposed gabion wall. Mr. Lebow responded that river bank stabilization is common and that the gabion wall will allow that the voids between the rocks on the wall will eventually collect material.

Mr. Charlie Howe of 21 Lynn Court, the neighbor to the south, explained that the property is at the bend of the river. He said that 21 Lynn Court is the lowest point in the street and they got hit two times in 2007 with major flooding. He said that 23 Lynn Court, the subject property, has been vacant for about 10 years. Mr. Joosten noted to Mr. Howe that he may wish to consider a gabion wall or some other type of protection for his property. Mr. Ginsberg noted that the applicant and Mr. Howe could work together and even hire the same engineer to construct and design a wall which could be constructed during the same time frame. Mr. Lebow explained that as part of this application, they are not constricting the channel as part of this project. They are not putting any fill on the subject property and he believed that a gabion wall will help deflect any water.

Mr. Sweeney asked whether the engineer Mr. McChord could look at an engineered wall instead of the gabion wall. This might provide a more rugged solution. Mr. Lebow noted that the gabion wall may be more environmentally friendly.

Mr. Joe Canas, Professional Engineer of Tighe & Bond, explained that he had been retained by the Town of Darien to peer review the application. He said that from a stormwater stand point, there will be no increase in flooding and that they are working to address water quality. There is no fill proposed in the floodplain. He noted that the gabion wall is in the floodway. He acknowledged that the bank has eroded through time and that the section as shown in the top left corner of the plan should be updated. He encourages having connecting walls between 21 and 23 Lynn Court. He does not anticipate negative impact on flood velocities. In response to a question, Mr. Ginsberg noted that Mr. Jacobson had sent notice of this application to the City of Stamford.

It was agreed that the public hearing will need to be continued. Mr. Sweeney made a motion to continue the public hearing to June 1, 2016 at 8 p.m. in Room 206 of Town Hall. That motion was seconded by Mrs. Mackenzie and unanimously approved.

Chairman Joosten then read the next agenda item:

Minutes of April 6

Mr. Joosten noted that the review of the April 6 minutes will be put on the next meeting agenda.

Mr. Sweeney then made a motion to adjourn the meeting. That motion was seconded by Mr. Edelstein. The meeting was the adjourned at 9:20 p.m.

Respectfully submitted,

Jeremy B. Ginsberg
Planning & Zoning Director

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